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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office, 3190 - 160th Ave. S.E. • Bellevue, Washington 98008-5452 • (206) 649-7000
June 14, 1993

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FILE COPY

Mr. John Stiller
Burlington Environmental Inc.
Waterfront Place One, Suite 700
1011 Western Avenue
Seattle, WA 98104

RCRA PERMITS SECTION

Dear Mr. Stiller:

Re: Interim Status Closure Plan for the Burlington Environmental Inc. (BE) facility at Pier 91,
WAD000812917

This correspondence is in response to the Interim Status Closure Plan submitted to the Department of Ecology (Ecology) dated October 23, 1992 and revised January 29, 1993.

In summary, Ecology has determined that the closure plan needs revisions and is disapproved at this time. Throughout the review, both the original and the revised plan lack the detail required under WAC 173-303-400 and 40 CFR Part 265.

BE failed to comply with provisions of the September 18, 1987 interim status closure plan, or even the revised (January 1990) final status closure plan as well as the regulations when it decontaminated the tanks listed in Table 1.0 (Summary of Tank Decontamination). This could be considered a compliance issue and subject to enforcement action and penalties. By definition, the fact that a "independent registered professional engineer" has never certified the clean closure of the tanks could mean that the decontamination has never been completed. The material presently in the tanks would then need to be handled as a dangerous waste since it would come under the section "dangerous waste sources" in WAC 173-303-082(3). BE needs to clarify, in writing, how they plan to deal with these issues.

The deficiencies must be corrected before the closure plan can be approved. Specific comments are attached. Please make the appropriate revisions to the closure plan and submit a copy of the revised plan to Ecology within 30 days' receipt of this letter.

If you have any questions or comments regarding these matters, please contact me at (206) 649-7280.

Sincerely,

Galen H. Tritt
Hazardous Waste Specialist, NWRO

cc: D. Hideo Fujita, P.E., WDOE-NWRO
Josh Chaitin, WDOE-NWRO
Doug Hotchkiss, Port of Seattle
File HZW 5.1

Christy Ahlstrom, EPA-X
Mike Torpy, PANOCO
Doug Brown, WDOE-HQ

USEPA RCRA

3012284

**BURLINGTON ENVIRONMENTAL
PIER 91 FACILITY
RCRA Interim Status Closure Plan
June 14, 1993**

COMMENTS ON EXISTING CLOSURE PLAN and REVISIONS REQUIRED

Sec 1.0 Introduction

The plan needs to address the decontamination of all the other potentially contaminated media such as secondary containment, soils, system components, etc. The detail necessary to make a determination of completeness should be similar to the detail of the information provided within the Part B application.

- 1) Provide the information in the closure plan to include the decontamination of other media (e.g. concrete containment and ancillary equipment) besides the tanks.

2.1 Product Storage Tanks in PANOCO Service

These tanks were originally included under the original interim status permit and must go through closure. If it can be demonstrated that these tank never held hazardous waste, administrative closure may be achieved as a protective filer.

- 2) Provide copies of documentation to verify usage as non-hazardous storage between 1974 and 1981 as stated in the closure plan. This could include, but is not limited to: Daily gauge forms, daily cost sheets, monthly inventory reports, and throughput charge bills.
- 3) Provide copies of documentation to verify usage as non-hazardous storage between 1971 and 1974.
- 4) Provide information within this section explaining that these tanks have never been used to store or treat hazardous waste and that BE is requesting that these tanks be administratively closed under interim status.

2.2 Decontaminated Tanks Currently in Non-Dangerous Waste Service

The documentation of decontamination is inadequate. According to the information submitted in your closure plan, the tanks have never been certified cleaned closed by a "independent registered professional engineer" as specified by the regulations.

- 5) Provide certification or proposal on how to meet this performance standard.
- 6) Provide certification that these tanks meet the tank closure performance standards of 40 CFR 265.197. If Ecology has questions about whether the cleaning methods or solutions removed all waste constituents stored or managed in the tanks, wipe samples may be required to demonstrate the tank has been decontaminated. Alternative methods may be proposed by BE to meet this demonstration.

2.3 Out-of Service Tanks Requiring Decontamination

Tanks listed in this section are not final status permitted tanks. Consequently, reference to the Part B Permit methods and Permit Condition III.D.1. is not appropriate. Only the standards are the same pursuant to permit condition IV.F.1.b.

- 7) Provide information on why these tank were not closed under interim status standards as required by 40 CFR 265.112(d)(2)(i).

- 8) Provide additional information on decontamination procedure. Specifically:
- Certification by a "independent registered professional engineer";
 - Description of when the engineer will be on site similar to the final status closure plan;
 - Time line for various functions of closure similar to Figure I1-4 in final status closure plan;
 - Closure schedule which includes closure steps;
 - Description of decontamination and testing of the concrete secondary containment, etc.; and
 - Proposal for certification that the tanks meet the tank closure performance standards of 40 CFR 265.197. (If Ecology has questions about whether the cleaning methods or solutions removed all waste constituents stored or managed in the tanks, wipe samples may be required to demonstrate the tank has been decontaminated. Alternative methods may be proposed by BE to meet this demonstration).

3.0 Soil and Groundwater Cleanup

Burlington references the 3008(h) Order with EPA as the "process that cleanup of soil and/or groundwater in the interim status facility will be addressed".

- 9) Provide the necessary detail in the closure plan to address the following:
- Identify the closure standards of soil, groundwater and secondary containment;
 - Describe the disposal of decontaminated residues and materials which cannot be decontaminated; and
 - Describe the oversight by an independent, registered professional engineer and final certification.

ADDITIONAL DEFICIENCIES

- 10) Closure cost estimates must be provided for:
- Treatment and disposal;
 - Sampling and analysis; and
 - Decontamination.
- 11) Provide a sampling plan. BE may either reference appropriate sections of the RFI that deal with the interim status tanks or provide an independent plan.

- 12) Provide post closure permit contingencies based on final results of corrective action.
- 13) Provide documentation of financial assurance in the closure plan to cover the expense of closure.
- 14) Provide information on how BE will close any hazardous waste management units identified in the RFA that are not included within the final permitted facility (for example, the former hazardous waste container storage area within the warehouse).

If additional solid waste management units (SWMUs) are identified by corrective action, these units will need to go through clean closure at a future date.